

United States District Court
for
Middle District of Tennessee
Petition to Modify the Condition or Term of Supervision

Name of Offender: John Brandon Shively

Case Number: 3:02-CR-00073-01

Name of Judicial Officer: Honorable Todd J. Campbell, U. S. District Judge

Date of Original Sentence: September 23, 2003

Original Offense: Count 2: 21 U.S.C. § 841(a)(1), Possession of a Controlled Substance;

Count 5: 21 U.S.C. § 924(c)(1)(A), Possession of a Firearm in Furtherance of Drug Trafficking Offense;

Count 7: 21 U.S.C. § 922(g)(1), Felon in Possession of a Firearm

Original Sentence: 152 months' custody and 4 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: January 2, 2013

Assistant U.S. Attorney: Scarlett Singleton

Defense Attorney: Caryll S. Alpert

PETITIONING THE COURT

- To modify the release conditions as follows:

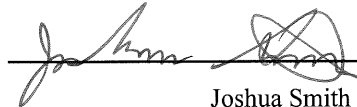
The Defendant shall reside at the halfway house for a period of 4 months.

THE COURT ORDERS:

- ☒ **A hearing to consider the modification is scheduled for:** Dec. 4, 2013 at 9:00 a.m.
☐ No Action
☐ The extension of supervision as noted above.
☐ The modification(s) as noted above.
☐ Other

I declare under penalty of perjury that the foregoing is true and correct. Respectfully submitted,

Considered this 22 day of Nov., 2013 and made a part of the records in the above case.


Joshua Smith
U.S. Probation Officer

Place Nashville, Tennessee



Todd J. Campbell
U. S. District Judge

Date November 22, 2013

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation No.</u>	<u>Nature of Noncompliance</u>
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| 1. | <u>The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.</u> |
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On October 9, 2013, Mr. Shively was telephonically interviewed by Special Agent Margo Palmer of the Department of Justice, Office of Inspector General. During the interview, Mr. Shively admitted to receiving periodic payments from Lincoln Hume and sending the money to a third party. Mr. Hume is currently in the custody of the Bureau of Prisons following his conviction for Conspiracy with Intent to Distribute Methamphetamine. The transactions took place from March 2013, until July 2013, and totaled approximately \$12,000. The funds were transferred through various transactions of money orders and Western Union payments.

Mr. Shively admitted that while in custody, he had run a "bookie" service managing betting for other inmates and utilizing people outside of prison to transfer money to and from various accounts. He believed that was what Mr. Hume was conducting and justified his actions assuming he was helping a friend, but became suspicious when the amounts continued to remain high.

Mr. Shively is involved in an online handicapping service called "The Homedogs". According to the website, the service sells subscriptions for various degrees of handicapping information in order to benefit recipients by advising on betting odds. There is special instruction on the website of how to subscribe for federal inmates.

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|----|---|
| 2. | <u>The defendant shall answer truthfully all inquiries by the probation officer.</u> |
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The probation officer visited Mr. Shively at his home on March 18, 2013. During the visit, a large stack of money was observed. The probation officer asked Mr. Shively where the money was from and he indicated that the money was from tips at work. On October 9, 2013, Mr. Shively admitted that the money that had been observed on March 18, 2013, was from one of the transactions from Lincoln Hume.

Compliance with Supervision Conditions and Prior Interventions:

Mr. Shively began supervised release on January 2, 2013. He is scheduled to terminate supervision on January 1, 2017.

A report was submitted to the Court on September 25, 2013, to inform that Mr. Shively had been arrested and charged with Driving Under the Influence. Following the arrest, he admitted to the probation officer that he had approximately six mixed drinks that evening. His next court date is scheduled for January 28, 2014. As a result of the arrest, he was referred for a substance abuse assessment on October 15, 2013. Outpatient substance abuse treatment was recommended and he has remained in treatment since that time.

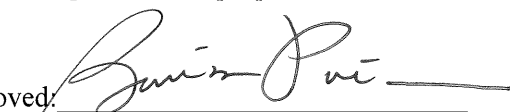
Mr. Shively has remained employed at Southern Steak and Oyster since the start of supervised release. He is not agreeable to the proposed modification.

U.S. Probation Officer Recommendation:

It is recommended that the offender's release conditions be modified as indicated.

The U. S. Attorney's Office has been advised of the offender's noncompliance and the probation officer's request for the proposed modification.

Approved: _____


W. Burton Putman
Supervising U.S. Probation Officer